

01473.401400



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
: Examiner: Jason D. Prone
KEVIN BRADLEY AKINS, et al.)
: Group Art Unit: 3724
Application No.: 10/614,297)
: Filed: July 8, 2003)
: For: APPARATUS AND PROCESS FOR)
: DICING A DEFORMABLE PRODUCT : July 12, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir:

In reply to the Office Communication mailed June 22, 2005, in the above-captioned patent application, Applicants hereby elect for examination Invention I, which includes all the claims that are drawn to apparatus (Claims 1-18).

Applicants respectfully ask reconsideration, however, of the Examiner's position that the method of Claims 19-31 (Invention II) is a different invention than that of Claims 32 and 33 (Invention III). Claim 19, the independent claim in Group II, is directed to a method of cutting a deformable product that has a front end and a "remainder" that involves slitting the product into strips, using a plurality of cutting elements arranged in a V shape, as viewed from above, while the product is conveyed in the feed direction. Claim 19 calls for stabilizing the product during the slitting step by laterally containing at least a portion of the remainder between

a pair of the cutting elements, while the front end of the product is being slit by the next successive cutting elements in the feed direction. Claim 32, while using different wording and having a different scope, is essentially directed to the same method.

In Paragraph 4 of the Office Communication, the Examiner states that the method of Claim 32 can be performed without practicing the method of Claim 19. With all due respect, it is not seen how that can be.

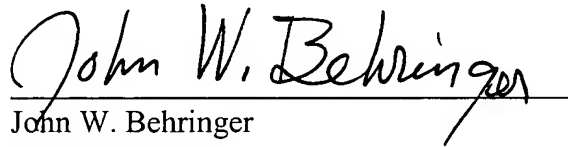
The Examiner contends that the “second slitting step” in Claim 32 could be performed without performing the “stabilizing” step of Claim 19. Applicants respectfully submit that that is not so. The stabilizing step in Claim 19 calls for “laterally containing at least a portion of the remainder between one pair of the cutting elements while the front end is being slit by the next successive cutting elements in the feed direction.” That step is also accomplished by the method of Claim 32, because, as stated in the last clause of Claim 32, as the leading edge of the product is brought into contact with the second cutting element or pair of elements, a trailing portion of the product is “still passing between the first pair of cutting elements.” This situation stabilizes the product, as its front end engages the downstream cutting element, by laterally containing a different portion of the product between the upstream pair of cutting elements.

As for the difference in scope, in Claim 32 it is stated that “an elongated piece” of the deformable product is conveyed along the conveyance surface, whereas in Claim 19 the product is not said to be elongated. Another difference between Claims 19 and 32 is that, whereas in Claim 32 the first pair of cutting elements is said to be “axially aligned,” Claim 19 does not contain that limitation.

Accordingly, Applicants submit that all of Claims 19-33 should be examined together, in the same application, and they therefore traverse the restriction requirement to that extent.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

A handwritten signature in black ink, reading "John W. Behringer", is written over a horizontal line.

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